Chapter-XI

CONCLUSION AND RECOMMENDATION
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To the extent that man is a meaning making and repentant social being, a being with lot of desires to harvest social esteem from within his interacting group members, the importance of socioeconomic background of the prisoners can hardly be discounted. As it seems from the interviews with the prisoners, most of the crimes committed for the first time were the expressions of emotional states. It is also ascertained from the informal interview with the prisoners belonging to lower class and lower caste that such emotional behavior is culturally patterned. Among the jail inmates the common belief among those few who move towards reformation believes that every one should control his anger and those who cannot control their anger are not regulating themselves as per the existing socio-cultural norms. Especially with regard to crucial issues if anger is not controlled and crimes committed then they are expected to get punishment. Such persons are not fully ‘normal’ members of the society. Convicts with prison inmates inside the prison and interacting social group out side the prison and his self-awareness reshape their personality and attitude to life.

It is generally accepted that at the time of birth man is no more than a biological entity. The interpersonal relations, group experiences, socio-cultural environment, education, training, vocation and cultural influences make the biological entity a responsible social person. For all type of crimes, the criminals
are subjected to their socio-economic factors like family composition, education, occupational status, income and the organizational climate that determine the extent to which they would be endowed with criminal or law-abiding tendencies. Socialization in maladjusted social setting not only contributes as the major sources of criminal behaviour. The urge to become something important in the eyes of the peers may tempt the person to become criminal. This has been fairly observed in many subjects. The repeated deprivation may also contribute / determine a person’s inclination to commit crimes. In most of the empiric findings it has been observed that persons kept behind bars for crimes they commit belong to lower socioeconomic strata. Our data share similar statement from the finding of many researchers. (Deiker ; 1974 and Hoproszoski ; 1975).

The ethnic factor and the economic factors bring people together. From our sample it was seen that the evidences of economic factor cutting across the ethnic factor as associated phenomena of crime causation are rare. Among the prison inmate the intimacy was observed with subjects of similar socioeconomic identity. From case studies it was revealed that crime could be normal and also pathological. The normal human beings respond to situations and act in their own self-interest and are willing learners of the behavioral strategies / components that help them to achieve their goals by any means. Often such means lead to crime. The poor and socio-economically marginalized people who get exposed to deprivation and similar conditions of social exclusiveness develop an inordinate dependence on criminal strategies.
The prisons due to over population and inadequate infrastructure facilities for inmates provide opportunities to initial offenders to interact with subsequent offenders and go for experience sharing. The culture of experience sharing includes the sharing of the criminal culture too. The intensity of sharing criminal culture among the inmates of dissimilar socioeconomic origin was observed to be more rapid than those who interact with members of similar socio-cultural origin. This means the environmental factors among the prison inmates are very favorable towards criminality. In general it was observed that those who are poor and unemployed are most vulnerable to the temptation and many persons with borderline levels of criminality probably are lured into the socially disapproved acts and in due course of time become hardened criminals.

Family background as a basic unit moulds the facts of life including those of criminal acts. The old saying 'Charity begins at home' stands unpolluted even today since it has been observed that by and large the urge for a definite life style carry the impress of his family. The grooming of an individual inculcates the likes and dislikes, preferences and prejudices and such other events that he learnt from the society through enculturation. Under the impact of urbanization, modernization and industrialization the joint family system is fast disintegrating giving way to the out growth of nuclear family. The late ordinal positions in such families have shown close relation with the crime causation. This implies that there would be maladjustment in parental care. The in-built social security mechanisms existed for members in joint families are no more seen and the evildoers quickly influenced the prisoners during their earlier days. Large size
families consisting of more than six members are observed to have closely related to crime causation of which more than 48% of such families had some sort of maladjustment among the parents either due to extra marital sex relations or subsequent marriage. The prisoners of small family groups having three members have also represented substantial frequency. The over protection to the children and hiding out small crimes by parents seems to have prompted the prisoners to commit crimes.

Crime is whatever conduct the laws of a particular jurisdiction designate as criminal, and there are many differences from one court to another within our country. In many cases the judgments of the lower courts are being abrogated by the higher courts. It becomes cumbersome to identify as to what behavior is prohibited by law and at what intensity such behavior are punishable. Conduct that is lawful in one community may be criminal in another, and activity that amounts to a trivial infraction in one community may constitute a serious crime elsewhere. Therefore, law should not fail to proclaim good principle, rather it should not overstep its legitimate limits so as to become oppressive. Changing times and social attitudes may lead to changes in the criminal law, so that behavior that was once criminal, have also been removed from the scope of the criminal law in many countries .It was differentially treated by our supreme court at different times. Nonetheless, the trend generally is to increase the scope of the criminal law rather than to reduce it. It is more common to find that criminal status create new criminal offenses. New technologies give rise to legal restrictions, just as the invention of the motor vehicle led to the development of a whole body of criminal
laws designed to regulate its use, so the widening use of computers has created the need to legislate against a variety of new abuses and frauds or old frauds committed in new ways what we now call it as cyber law. So also are the cell phone users. Some use it for crime and some for better living.

The knowledge on the type of people who commit crime is subject to one overriding limitation. It is generally based on studies of those who have been detected, prosecuted and convicted. The populations of penal institutions are not necessarily representative of the whole range of criminals in one sense; they are by definition the unsuccessful criminals. Despite this limitation, some basic facts emerge that probably give a reasonably accurate picture of those who commit crimes. The first is that crime is predominantly a male activity. In all criminal populations, whether of offenders passing through the courts or of those sentenced to institutions, men outnumber women by a high proportion. In Orissa it has been estimated that the rate of crime per lakh of population from 1971 to 1981 comes to +17.24% and in total cognizable crimes come to +45.56%. During the last decade i.e., from 1981 to 1991 it has changed to −1.6% per lakh of population and in 2001 it has been presumed that it must have increased. Looking at the police records and observing the trend till 2000 it is clear that there has been an increasing trend in criminals. 1984, for instance of 449,000 offenders found guilty of criminal offences, 387,400 (86 percent) were males: in the same year, the daily average population of the prisons consisted of 41,822 men and 1,473 women. In most Western societies the incidence of recorded crime by women, and the number of women passing through the penal systems, is on the increase; in the United
States, for instance, the number of women arrested for property crimes between 1960 and 1976 increased by 276%, a significantly higher rate of increase that that exhibited by other groups. A similar trend is shown in English prison statistics: the number of women in prison under sentence rose from 538 in 1974 to 941 in 1984, an increase of 75 percent in 10 years. A number of explanations have been offered for this trend. One suggestion is that it reflects a real trend in the commission of crimes by women, that the changing social role of women, with more women leaving the home and taking employment, expecting and achieving financial independence, leads to greater opportunity for crime. An alternative explanation is that the change in the apparent rate of female criminality merely reflects a change in the operation of the criminal justice system—that crimes committed by women are less likely which was previously the case to be ignored by law enforcement agencies out of a sense of chivalry. Even though female criminality appears to be increasing faster than male criminality, it will be many years before women reach the same level of crime as men.

The socio-cultural background of the criminals play an important role in socializing their dependents towards committing crime. No one is born criminal. The culture makes him so. The culture of poverty, intolerance and irrational thinking germinate the poverty of culture, which ultimately breeds crime. Therefore crime as a social phenomenon has to be reckoned with. The present study has provided empiric evidences on the relationship between the socio-economic variables such as family type and size, occupation, ordinal position, area
of habitation, and the type of crimes. It also tried to portray the attitude of the prison personnel towards the prisoners.

The prisons are now over populated accommodating varieties of convicts, and under-trials. Since decades the criminologists, lawyers, social planners and administrators are increasingly apprehensive of the great out come of dealing with the prisoners. The criminals getting behind the bars for the first time and living with the frequent offenders and / or the hardcore criminals invariably pick up courage to commit subsequent crime adopting new technology that they imbibe from their inmates. The number of prisons remains almost constant while the prison population grows in geometric ratio. This is bound to violate the human rights of the prisoners due to scarcity of basic infrastructure facilities.

This forces them to live with scarcity or use brawn to get the facility at the cost of other inmates. Of the total sixty-four Jails in Orissa, excepting only ten, the rest have more than the scheduled capacity. In certain cases, it exceeded more than the scheduled capacity. In certain case it exceeded more than three times of population while the existing infrastructure meet the requirement of only one fifth of the inmate population. The Sambalpur jail as an example has around 400 inmates while its scheduled accommodation is 311 only and there is acute shortage of infrastructure facilities inside the jail. For example there are only six latrines for the entire inmates and the economically viable vocational training that was imparted has been abandoned for financial reasons and reasons of mal
administration. The Puri jail, Choudwar, Rourkela and Berhampur and many other jails accommodated around two times the scheduled accommodation.

It is not easy to indicate the specific factor as the most responsible for crime causation, however the socialization played a dominant role for this. Bell, therefore stated that “we do not know exactly what relates to what and how. In a general way, we know that there are correlations between migration and crime, population density and crime and urbanization and crime and the like” (1978 : 7-8).

With regard to the effectiveness of punishment to the criminals there are many views. It is difficult to determine the extent to which punishment serves to deter convicted offenders from committing further crimes. Studies of the effectiveness of various forms of the treatment of criminals have led some researchers to the conclusion that: nothing works”. In a more positive light, available studies seem to indicate that lenient penalties (such as fines, probation, suspended sentence) and severe measures are about equally effective in preventing future criminality. Accordingly, there has been a trend away from custodial treatment. Short-term sentences are seen as particularly harmful because they tear the offender away from his family and occupation and expose him to criminal indoctrination in prison and to social obloquy after his release. Long-term sentences are also viewed with growing skepticism, despite more than 50 years of prison reform in India, because of the adverse side effects of even the best institutions. These ill effects include acclimatization to the prison atmosphere, association with prison subcultures, infantilism, and mental illness and in general a
decline in fitness for responsible life in a free community. The possible reintegration into the society has not shown any positive results. Internally it has been suggested that it is now considered preferable to treat the convicted criminal in open institutions if possible. However, to what extent it is suitable for criminals in Indian is a matter of discussion among all the concerned, specifically to them, who deal with the punishment such as advocates and the jury.

The policy on crime reduction has been one of the most important aspects of our state. While it upholds the rights to punishment as per the legal framework and honorable direction of the court and inflict no injury to human rights of the prisoners, the attempt to reform and reintegrate the criminals after being redressed has also been the target of the developers.

Increasing crime appears to be a feature of all modern industrialized societies and no developments in either law or penology can be shown to have had a significant impact on the problem. For a backward state like Orissa, it has its own peculiarity. The effect of crime on the quality of life cannot be measured simply in terms of the actual incidence of crime, because the fear of crime affects far more people than are likely to become actual victims and forces them to accept limitations on their freedom of action. Paradoxically, many social changes that are perceived as progress may lead to further escalation in the incidence of crime. Economic progress, producing greater wealth, almost always leads to greater opportunities for crime in the form of more goods to steal on enhanced possibilities for successful fraud and an increase in individual liberty may have
similar effects, as the older constraints on behavior are discarded. Crime is least likely to be a serious problem in a society that is economically undeveloped and subject to restrictive religious or similar restraints on behavior as evidenced from the Orissa cases and incidences. For modern urbanized society, in which economic growth and personal success are not continue to increase.

The strain in primary relations as sources of frustration adds mental stress and often the crime is the result of such strain and stress. The differential treatment received from the intimately interacting groups at the childhood period has greater contribution for crime causation. Economic stress leading to other socio-cultural differentiations become the root of criminal behavior. Crime centered around primary kin-based conflicts outnumber the other types. Contribution of neighbor and friendship add to it. Marital mal-adjustment in nuclear families is found to be source of serious socio-psychological problems like inclination towards divergent roles. Criminal behavior of serious type such as murder has close association with the rural habitation and land based conflicts for the first time crime.

The short-term and long-term punishment holders with fist time entry to prisons have by and large committed offences accidentally and their coping mechanism with the society is qualitatively different from that of the habitual. Normally, people forget the crime of the short-term prisoners quickly and they get reintegrated in the society easily. The long-term prisoners are often reminded of their guilt by people, kin members and members of the victim families so that their reintegration into the same society becomes difficult and not free from mental
agony and therefore they prefer to settle in urban set up so that their stigmatized identity will be buried and the fresh life can be reoriented. However, the long term but first time entry prisoners are invariably rooted to rural households and of them who acquired skills like tailoring, cooking, weaving, repairing etc; are quickly reestablished in society. The young urban prisoners attempt to commit subsequent crime and through this they assume power and money. Murder as a crime is least safe to hide identity than the non-murder categories.

There is not much difference in attitude of the jail personnel who matter much in the reintegration of the offenders into the society. The jail personnel need urgent training on changing aspects of jail administration and to change their approach towards the offenders while they are inside and in parole. Most of the prisoners tell that the biggest issue that they encounter is the social impairment itself and people’s response towards them is later. A few however sated that they are thankful that they had many years of being socially non-disabled in life. Since crime is closely related to time and space (both social and spatial) a brief historical review is vital to the proper understanding of the problem in its modern manifestation. Acts, which had once been considered as crimes, have in the process of institutionalization ceased to be so. In fact poverty alone is rarely a cause of crime commission. This has been evidenced from our finding and interrogation in few cases. Inadequacy, frustration, and emotional insecurity play an important role in crime causation. Many human situations like chiding, humiliating, depriving, discriminating, alienating are some of the processes very
much current in our society, it is necessary that we must take proactive strategies to reduce crime by analyzing the etiology of crime.

It is not easy to indicate any specific factor as the most responsible for crime causation, however, the socialization plays dominant role for making some one criminal. It is stated that no one parameter can indicate us to know exactly what relates to what type of criminal behavior. The crime causation is a product of cumulative result of plural socio-economic factors. It has been ascertained that there are correlations between migration and crime. Population density and crime and urbanization and crime, poverty stricken large family norm and crime, subsequent ordinal position of the child in family and crime and the like. The rate of literacy, religion neighborhood, organizational climate of the offender and the type and frequency of crime have shown close association.

With regard to the effectiveness of punishment to the criminals there are many views. It is difficult to determine the extent to which punishment serves to deter offenders from committing further crimes. Studies of the effectiveness of various forms of the treatment of criminals have led some researchers to the conclusion that 'nothing works. A few available studies seem to indicate that soft penalties (such as fines, probation, suspended sentences) and severe measures are about equally effective in preventing crime. Accordingly, there has been a trend away from custodial treatment. Short-term sentences for infrequent offenders are seen to be particularly harmful because they tear the offender away from his family and occupation and expose them to criminal indoctrination inside prison.
Due to prison enculturation they are socially devalued by society after they get released. Long-term sentences are also viewed with contempt and growing skepticism, despite more than 50 years of prison reform in India. The negative impact includes acclimatization to the prison atmosphere, association with prison subcultures, infantilism, mental illness, and in general deterioration values to carry out respectable life in a free community. The possible reintegration into the society has not shown any positive results. This may be attributed to the internal power locus of the inmate and the attitudes of the developers towards them. Internally it has been suggested that it is now considered preferable to treat the criminal in open institutions. However, to what extent it is suitable for criminals in India is a matter of debate among all the concerned.

The Policy on crime reduction has been one of the most important aspects of our state. While it upholds the right to punishment as per the legal framework and honorable direction of the court and inflict no injury to human rights of the prisoners, the attempt to reform and reintegrate the criminals after being redressed has also been the target of the developers, at least officially.

The lower economic classes, who invariably are the members of lower caste value children’s contribution to the family in the form of work is and children are trained to be helpful to their brothers, sisters, parents and friends. The fathers of such families are least interactive with their children. As the children grow in age the interaction of the parents decline, however, the expectation from the adult children in forms of financial contribution towards the
family maintenance increases. In many cases the contribution to the family fund through crime if not accepted are tolerated and rationalized. Of many factors it has been realized that the child rearing involves many variables. The socio-economic factors as variables influence the crime causation. Criminal traits do come mostly from the peers. Due to the circumstances once some one gets into the clutch of committing crime and escapes from being socially disapproved, it generates inclination to commit further crimes. In most of the cases the first time crime commission is accidental or emotional and the subsequent crimes are forced by intention.

Increasing crime appears to be a feature of all modern industrialized societies, and no developments in either law or penology can be shown to have had a significant impact on the problem. For a backward state like Orissa, it has its own peculiarity. The effect of crime on the quality of life cannot be measured simply in terms of the actual incidence of crime, because the fear of crime affects far more people than are likely to become actual victims and forces them to accept limitations on their freedom of action. Paradoxically, many social changes that are perceived as progress may lead to further escalation in the incidence of crime-economic progress, producing greater wealth, almost always leads to greater opportunities for crime in the form of more goods to steal or enhanced possibilities for successful fraud-and and increase in individual liberty may have similar effects, as the older constraints on behavior are discarded. Crime is least likely to be a serious problem in a society that is economically undeveloped or developing and subject to restrictive religious or similar restraints on behavior as evidenced
from the Orissa cases and incidences. For modern urbanized society, in which economic growth and personal success share dominant values, there is little reason to suppose that crime rates will not continue to increase. The strain in primary relations as a source of frustration adds mental stress and often the crime is the result of such strain and stress. The deferential treatment received from the intimately interacting group members during childhood has greater contribution for crime causation. Economic stresses leading to other socio-cultural differentiations became the root of criminal behavior.

Crime centered on primary kin-based conflicts out-number the other varieties. Contribution of neighbor and friendship add to it. Marital maladjustment in nuclear families is found to be generating serious socio-psychological problems like inclination towards divergent role which becomes the breeding ground of crime. Criminal behaviour of serious type such as murder has close association with the rural habitation and land based conflicts first time crime. The failure in the integration of the offenders are controlled by factors like age, sex, duration of punishment awarded, broken families and other forms of disorganized social background and loss of social cohesive force and mutual ties. The emergences of individualized social norms uproot traditional social support systems also have contributions towards genesis and growth of the criminals. The younger the generation the greater the complexity of crime causation has been the rising phenomena. There is not much difference in the attitude of the jail personnel who matter much for reintegration of the offenders into the society. The offenders released from jail face a typical cultural problem since the society out side changes
faster than the society inside the jail. The shock he has of the greater society for integration only gradually disappears and his frequent interaction with people allows him quicker reintegration.

Keeping these in view a few suggestions are made. The jail personnel need urgent training on changing aspects of jail administration and changing characters of the offenders in order to change their approach towards the offenders while they are inside and during parole. Most of the prisoners tell that the biggest issue that they encounter is the social impairment itself and people’s response towards them. A few, however, stated that they are thankful that they have many years of being socially non-disabled life.

Since crime is conditioned by time and space (both social and spatial) a brief historical review is vital to have the proper understanding of the problem of its modern manifestation and latent perspectives. With the change of time, attitude and perception of people and the state towards the crime the act which had been once considered as crime have in the process assumed different facial value. In fact, poverty alone is rarely a cause of crime commission therefore the crime as a social fact has to be analyzed in holistic perspective. To add corrective measures the cross cultural comparative scenario of socioeconomic parameters may be re-examined and recommended. This has been evidenced from the researcher’s observations made from the interrogation of few cases that inadequacy, frustration, and emotional insecurity cannoned crime causation. Many human situations like chiding, humiliation, eve teasing, deprivation, discrimination, aspiration for quick
results and alienation from process, product and even human qualities are some of the processes very much current in our society. It is necessary that we must take proactive strategies to reduce crime by analyzing the etiology of crime. Since every crisis has got specific diagnostic value and each such value responds to specifically designed reformative inputs, it is necessary that periodic training to the age befitting skill be imparted to the offenders so that they can aspire for a newer life after being released and encounter less severe problem to reintegrate them.

That the criminal behavior is learned, in interaction with the persons in the process of communication inside and out side the jail, the directions of motives and drives are learned from definitions of the legal codes as favorable. The person becomes criminal and his behavior may involve satisfaction of needs. Therefore psycho-legal therapy may be appropriate for the reduction of crime.

With sample limitation and limitation of the tools the work has been restricted its interpretation and with greater sample size with representation of multi variables the result would be much more authentic and scientifically viable. The work is a beginning of the end of our endeavour to understand the dynamics in the study of the prisoners.